

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14965 of 2018

Arising Out of PS.Case No. -180 Year- 2017 Thana -JANDAHA District- VAISHALI(HAJIPUR)

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Pawan Rai S/o Basudeo Rai, R/o village- Arania, P.S.- Jandaha, District-
Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Roshan Kumar Mishra

For the Opposite Party/s : Sri Ashok Kumar

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 06-04-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner apprehends arrest in connection with
Jandaha Police Station Case No. 180 of 2017 registered for the
offences punishable under sections 147, 148, 149, 341, 323, 324,
307, 379 and 504 of the Indian Penal Code.

Allegation, as per written report, is that altogether 29
persons name in the FIR armed with deadly weapons suddenly
reached at the house of informant and assaulted him.

The learned counsel for the petitioner submits that for
the land dispute, occurrence took place between the parties. The
petitioner lodged an FIR bearing Jandaha Police Station Case
No.181 of 2017 against the informant and others for the offences



under sections 147, 148, 149, 341, 323, 324, 379 and 504 of the Indian Penal Code. The informant has lodged the present case with false and frivolous allegation. As per FIR, this petitioner allegedly assaulted the informant by sword, but injury report annexed shows that he sustained only two injuries caused by hard and blunt substance. The allegation of assault against the petitioner is omnibus and so no offence under section 307 of the Indian Penal Code is made out.

The learned Additional Public Prosecutor on the other hand, opposed the submission.

It appears that for the land dispute, occurrence took place between the parties. The petitioner, as per allegation, has assaulted the informant by sword, but injury report does not support the said allegation. According to the injury report, the informant sustained only two injuries caused by hard and blunt substance.

Considering the omnibus allegation, case and counter case, the prayer of anticipatory bail is allowed and the petitioner above named, in the event of arrest or surrender before the court below within a period of six weeks, be enlarged on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the



Additional Chief Judicial Magistrate, Vaishali at Hajipur in connection with Jandaha Police Station Case No. 180 of 2017, subject to the condition as laid down under section 438 (2) of the Criminal Procedure Code. Further condition is that (1) one of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court. (2) The petitioner will not induce any witness or tamper with the evidence. (3) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(Sanjay Kumar, J)

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